IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.8469 OF 2005
IN
CRIMINAL APPEAL NO.1230 OF 2005

1.Ramu Arjun Kacharya ..
2.Anant Kakdya Pared ..
3.Raju Kakdya Pared .. Applicants.
Vs.
State of Maharashtra .. Respondents.

Mr.K.S.Patil for the applicants.
Mrs.M.H.Mhatre A.P.P. for the State.

CORAM : D.B.BHOSALE, J.

DATED : 16TH JUNE, 2006

P.C.:

. Heard learned counsel for the parties.

2. This is an application for bail. All the accused have been convicted for the offence punishable under section 376(2)(g) of the Indian Penal Code and sentenced to suffer R.I. for 5 years each and fine of Rs.2,000/-. They are also convicted under section 323 read with 34 of I.P.C. It is on the allegations that in the intervening night of 20th and 21st May, 2001 in the early hours when the victim had gone for attending nature’s call all the accused followed her and forcibly took her to a particular spot and then accused no.1 committed rape on her. When the act of rape was being committed, P.W.4 also went to the scene

of offence for answering nature's call and after having seen the accused and the prosecutrix raised hue and cry. P.W.2 on hearing the hue and cry rushed to the spot and claims that he witnessed the actual act of rape. There is no dispute that accused nos.2 and 3 did not commit rape on the prosecutrix. Keeping that in view I am not inclined to enlarge applicant no.1 on bail and his bail application is rejected. Insofar as applicant nos.2 and 3 are concerned, they may be released on bail on their furnishing P.R.Bond of Rs.5,000/- each with one surety of the like amount, subject to condition that they shall report the concerned police station every alternate Saturday between 10.00 and 11.00 a.m. for a period of two years from the date of their release. At this stage Mr.Patil, learned counsel for the applicants prays for the liberty to the applicants to prepare a paper book and for fixed date of hearing. Liberty to prepare paper book is granted. It is open for the applicants to apply for fixed date of hearing after filing of the paper book. If for any reason the appeal is not heard within 18 months from the date of filing of the paper book, liberty to applicant no.1 to apply for bail afresh. The hearing of appeal is expedited.

(D.B.Bhosale, J.)